



Tribal Crime Data-Collection Activities, 2019

The Tribal Law and Order Act (TLOA) of 2010 requires the Bureau of Justice Statistics (BJS) to (1) establish and implement a tribal crime data-collection system, (2) consult with Indian tribes to establish and implement this data-collection system, and (3) report annually to Congress on the data collected and analyzed in accordance with the act.¹ The act specifies data collection and analysis of crimes committed on federally recognized reservations, in tribal communities, and on identified trust lands, commonly referred to as Indian country. In 2010, there were 334 federally and state-recognized American Indian reservations in the United States, and an estimated 4.8 million persons lived on these reservations or in Alaska Native villages.^{2,3}

Jurisdiction over crimes committed in Indian country varies by the type and seriousness of the crime, whether the offender or victim is a tribal member, and the location of the offense. Crimes

committed in Indian country among American Indians and Alaska Natives (AIANs) may be subject to concurrent jurisdiction by tribal, federal, state, or local criminal-justice agencies. This is due to the sovereign status of federally recognized tribes and to Public Law 83-280 (commonly referred to as P.L. 280).

In the sixteen states where P.L. 280 applies, the law permits the federal government to transfer mandatory jurisdiction over major crimes in Indian country to these states, and it permits the states to acquire optional jurisdiction, in whole or in part, over Indian country within their boundaries.⁴ Six states have established mandatory jurisdiction over crimes in Indian country and 10 states have established optional jurisdictions. In the 19 states with federally recognized tribes where P.L. 280 does not apply, the federal government retains criminal jurisdiction for major crimes committed in Indian country.⁵ More than 300 tribes are under P.L. 280 jurisdictions.

¹See Public Law 111-211, 124 Stat. 2258 § 251(b).

²For more information about federally recognized tribes, reservations, and Alaska Native village statistical areas, see *Tribal Data Collection Activities, 2012* (NCJ 239077, BJS web, October 2012).

³See U.S. Census Bureau. (2012). *The American Indian and Alaska Native Population: 2010*. Retrieved from <https://www.census.gov/prod/cen2010/briefs/c2010br-10.pdf>

⁴See P.L. 83-280, August 15, 1953, codified as 18 U.S.C. § 1162, 28 U.S.C. § 1360, and 25 U.S.C. §§ 1321-1326.

⁵Federal jurisdiction in Indian country is established under the Indian Country Crimes Act (18 U.S.C. § 1152), the Indian Country Major Crimes Act (18 U.S.C. § 1153), and the Assimilative Crimes Act (18 U.S.C. § 13).

HIGHLIGHTS

- During fiscal year (FY) 2018, the Bureau of Justice Statistics (BJS) conducted cognitive testing of the Census of Tribal Law Enforcement Agencies and posted notices in the Federal Register for public comment.
- From FY 2016 to FY 2018, BJS awarded three grants totaling \$621,600 to tribes in order to improve and automate their criminal-history records and databases.
- In FY 2016, a total of 3,189 tribal or non-tribal American Indians and Alaska Natives (AIANs) were arrested by federal law enforcement agencies, 1,790 were admitted to federal prison, and 1,839 were released from federal prison.
- Each year from FY 2014 to FY 2016, the number of AIANs exiting federal prison exceeded the number entering.

This report meets the requirement under TLOA to report annually to Congress on tribal data-collection activities and statistical findings. It summarizes—

- tribal data-collection activities during FY 2019, including the Census of Tribal Law Enforcement Agencies (CTLEA) and Survey of Jails in Indian Country (SJIC)
- funding to enhance tribal participation in national records and information systems, including the National Criminal History Improvement Program (NCHIP) and the National Instant Criminal Background Check System (NICS) Act Record Improvement Program (NARIP)
- statistical findings on the AIAN population in the federal justice system
- information on the BJS Indian Country webpage.

Tribal data collections during fiscal year 2019

Census of Tribal Law Enforcement Agencies

The Census of Tribal Law Enforcement Agencies (CTLEA) is the first BJS data collection targeted solely at tribal law enforcement agencies. It will collect information from all known tribally operated law enforcement agencies, from police agencies operated by the Bureau of Indian Affairs (BIA), and from the Alaska State Police, reporting for the Village Public Safety Officer (VPSO) program. The VPSO program provides services to Alaska Native villages that are under the jurisdiction of the Alaska State Police.

The census is designed to capture information on—

- criminal jurisdiction
- staffing, officer training, and sources of funding
- workloads and arrests
- access to and participation in regional and national justice database systems
- special topics, such as human trafficking, domestic violence, and juvenile delinquency
- access to domestic violence and protection-order registries
- monitoring of sex offenders on tribal lands
- reporting of crime data to systems operated by the Federal Bureau of Investigation (FBI)
- special jurisdiction over non-Indian offenders for select domestic-violence cases.

BJS customized the census forms for tribally operated law enforcement agencies (CTLEA-TLE) and for agencies operated by BIA (CTLEA-BIA). Each form contains the same core set of questions, along with individualized questions designed to collect data on attributes unique to each type of agency. The agencies that will receive the CTLEA-TLE form include 280 tribal police departments, 45 conservation and wildlife enforcement offices, and 6 tribal university and college police departments (table 1). The Alaska State Police will receive the CTLEA-TLE form to report on behalf of the VPSO program, representing Alaska Native villages within the state. Twenty-seven law enforcement agencies operating under BIA jurisdiction will receive the CTLEA-BIA form.

BJS conducted cognitive testing of the CTLEA, which included the survey instrument and in-depth interviews, on a sample of 20 tribal law enforcement agencies. Cognitive interviews enabled BJS to—

- establish an accurate estimate of the respondent time-burden
- test the reliability of the questions to avoid response errors
- test the content-validity of the questions and verify completeness of the response categories
- verify that the data-collection instruction materials are clear and easy to follow
- document respondent feedback from the cognitive interviews to make any final improvements
- revise the survey instrument as needed.

TABLE 1
Universe for the Census of Tribal Law Enforcement Agencies, 2019

Type of agency	Count	Percent
CTLEA universe	308	100%
Total tribal-operated agencies	280	91.0%
Tribal law enforcement agencies	229	74.0
Conservation/wildlife enforcement agencies	45	15.0
Tribal university/college police	6	1.9
Total federal/state-operated agencies/programs	28	9.0%
Bureau of Indian Affairs police agencies	27	8.7
Alaska State Troopers	1	0.3

Note: Details may not sum to totals due to rounding.

Source: Bureau of Justice Statistics, Census of Tribal Law Enforcement Agencies, 2019.

The 20 tribal law enforcement agencies were selected for cognitive testing based on geographic location, P.L. 280 status, and the size of their resident population. Of the 20 selected agencies, 18 completed and returned surveys within the 12-week testing period (table 2). Of the 18 agencies that returned completed surveys, 16 also completed in-depth interviews designed to provide additional feedback on the data-collection instrument. Based on this feedback, minor revisions were made to the CTLEA surveys, including clarifying terms, modifying the question order, and displaying more prominently the directions for completing the survey and the information for the survey's point of contact.

Following cognitive testing and revisions to the data-collection instruments, BJS submitted the proposed data collection to the Federal Register for public comment. BJS did not receive any comments during either the 60-day or 30-day comment periods. On July 15, 2019, BJS received final Office of Management and Budget approval to conduct the census.

Survey of Jails in Indian Country

The Survey of Jails in Indian Country (SJIC) is BJS's annual national data collection on jails and detention facilities in Indian country. The survey was initiated in 1998 as a part of BJS's Annual Survey of Jails data collection. It includes Indian country facilities operated

by tribal authorities or the BIA. The survey collects facility-level data on the—

- number of inmates
- conviction status of inmates
- capacity occupied, based on the average daily population
- midyear population
- peak population
- staffing
- offense types.

According to the most recent data available (from 2016)—

- An estimated 2,540 inmates were held in 80 Indian country jails at midyear 2016, up 1.2% from the 2,510 inmates held in 76 facilities at midyear 2015.
- Jails in Indian country were rated to hold an estimated 4,090 inmates at midyear 2016, up from 3,800 in 2015.
- From June 2000 to June 2016, the overall rated capacity (up 97%) grew at twice the rate as the midyear inmate population (up 43%).
- Occupied bed space declined from 86% of rated capacity at midyear 2000 to 62% at midyear 2016.

TABLE 2
Cognitive testing of the Census of Tribal Law Enforcement Agencies, by responding agency, 2018

Tribe/agency	Resident population size	P.L. 280 status	Location
Cahto Tribal Police Department	Small	P.L. 280	Laytonville, CA
Chickaloon Tribal Justice Law Enforcement Department	Large	P.L. 280	Chickaloon, AK
Chickasaw Nation Lighthorse Police	Large	Non-P.L. 280	Ada, OK
Chitimacha Tribal Police Department	Small	Non-P.L. 280	Charenton, LA
Choctaw Tribal Police Department	Large	Non-P.L. 280	Durant, OK
Coquille Tribal Police Department	Small	P.L. 280	North Bend, OR
Fond Du Lac Police Department	Medium	P.L. 280	Cloquet, MN
Hoopa Valley Tribal Police Department	Medium	P.L. 280	Hoopa, CA
Lac Courte Oreilles Police Department	Medium	P.L. 280	Hayward, WI
Lac Du Flambeau Police Department	Medium	P.L. 280	Lac Du Flambeau, WI
Laguna Tribal Police Department	Small	Non-P.L. 280	Laguna, NM
Muscogee Creek Lighthorse Police Department	Mega	Non-P.L. 280	Okmulgee, OK
Navajo Nation Police Department	Mega	Optional P.L. 280	Window Rock, AZ
Oneida Police Department	Large	P.L. 280	Oneida, WI
Penobscot Nation Police Department	Small	Non-P.L. 280	Indian Island, ME
Prairie Island Tribal Police Department	Small	P.L. 280	Welch, MN
White Mountain Apache Police Department	Medium	Optional P.L. 280	Whiteriver, AZ
Zuni Tribal Police Department	Medium	Non-P.L. 280	Zuni, NM

Source: Bureau of Justice Statistics, Census of Tribal Law Enforcement Agencies cognitive test, 2018.

Funding to enhance tribal participation in national records and information systems

BJS has focused on improving tribal participation in national records and information systems through the expansion of tribal eligibility for funding under the National Criminal History Improvement Program (NCHIP) and the National Instant Criminal Background Check System (NICS) Act Record Improvement Program (NARIP). Initiated in 1995, the NCHIP provides grants to states, territories, and federally recognized tribes to improve the quality, timeliness, and accessibility of criminal-history records and related information. The NARIP, enacted after the April 2007 shooting at Virginia Tech University, provides grants to states and tribes to help them automate and submit complete records to the National Instant Criminal Background Check System (NICS) on persons who are prohibited from purchasing or possessing a firearm under federal or state law.

From fiscal year (FY) 2016 to FY 2018, BJS awarded three grants totaling \$621,600 to tribes to improve and automate criminal-history records and databases (table 3). In FY 2017, the Miami Tribe of Oklahoma used NCHIP funds to acquire a National Crime Information Center (NCIC) terminal for submission of records and an automated live-scan fingerprint system to conduct background checks. The Tulalip Tribes of Washington received NARIP funds in FY 2016 and FY 2018 to automate tribal law enforcement and court records and to improve reporting of federal criminal-history records to NICS.

Under the NCHIP, tribes may submit applications individually or as part of a multi-tribe consortium. BJS encourages states and tribes to strive for integrated record improvements, regardless of the funding source. Despite improvements among the states, challenges

remain among tribal justice agencies. For example, many tribes do not have the capability or technology to transmit records to national systems, either through their own infrastructure or the states'. Some tribes have not yet converted their manual records to electronic versions. Many tribes are unable to submit qualifying records to the NCIC Protection Order File, and the FBI has reported continued problems with the appropriate flagging of protection orders regarding the prohibition of firearm purchases.

While federally recognized tribes are eligible to apply for NARIP funding, it can be used only to achieve the goals for complete records directly related to NICS checks. The NARIP addresses the gaps in information available to the NICS, including gaps in records of a person's criminal history, felony convictions, warrants, protective orders, convictions for misdemeanors involving domestic violence and stalking, drug arrests and convictions, and mental health adjudications.

Federal justice statistics

The Federal Justice Statistics Program (FJSP) provides annual data on workload, activities, and outcomes associated with federal criminal cases. It acquires information on all aspects of case processing in the federal justice system, including arrests, initial prosecutorial decisions, referrals to courts or magistrates, court dispositions, sentencing outcomes, sentence length, and time served. The FJSP collects data from the U.S. Marshals Service, the Executive Office for U.S. Attorneys, the U.S. Office of Probation and Pretrial Services in the Administrative Office of the U.S. Courts, the U.S. Sentencing Commission, and the Federal Bureau of Prisons.

TABLE 3

Projects on tribal lands funded through the Bureau of Justice Statistics' National Criminal History Improvement Program (NCHIP) and National Instant Criminal Background Check System (NICS) Act Record Improvement Program (NARIP), FY 2016 – FY 2018

Tribe	Program	Award	Project purpose
Tulalip Tribes of Washington	FY 2016 NARIP	\$333,841	Funds were used to conduct a tribal-wide automation project to improve their NICS and federal system reporting.
Miami Tribe of Oklahoma	FY 2017 NCHIP	\$94,581	Funds were used to purchase a National Crime Information Center terminal for entering data on domestic violence, stolen property, protective orders, and warrants; to purchase an automated live-scan for fingerprinting and conducting background checks on arrestees and for employment purposes; and to acquire a court records management system.
Tulalip Tribes of Washington	FY 2018 NARIP	\$193,178	Funds were used to continue to automate and improve identification database systems for persons prohibited from possessing firearms based on convictions for domestic violence; and to create parallel systems for tribal prosecutors and the police department for case disposition and persons prohibited from possessing firearms due to adjudicated mental-health concerns.

Source: Bureau of Justice Statistics, National Criminal History Improvement Program and National Instant Criminal Background Check System Act Record Improvement Program, fiscal years 2016–2018.

While the FJSP does not capture information on the tribal membership of offenders, it includes racial data on American Indians and Alaska Natives (AIANs).

During fiscal year (FY) 2016 (the most recent data available)—

- 3,189 AIANs were arrested and booked by federal law enforcement agencies, up from 2,943 in FY 2015 (table 4)
- 1,357 AIANs were sentenced in U.S. district courts, down from 1,367 in FY 2015
- 1,790 AIAN offenders were admitted to federal prison, including 975 from U.S. district court and 815 persons who violated community supervision
- 1,839 AIAN offenders were released from federal prison
- 3,583 AIANs were held in federal prison at fiscal year-end, accounting for 2.1% of all federal prisoners (not shown in tables).

The most recent FJSP data are available in *Federal Justice Statistics, 2015-2016* (NCJ 251770, BJS web, January 2019).

From FY 2012 to FY 2016, the number of AIANs arrested by a federal law enforcement agency increased 28%, while the number of AIANs convicted in federal courts remained relatively unchanged. The rise in federal arrests compared to the stable number of convictions means that the ratio of convictions-to-arrests decreased from FY 2012 to FY 2016: In FY 2012, 55 AIANs were convicted in U.S. district court for every 100 arrested, while in FY 2016 that number dropped to 43 convicted for every 100 arrested.

During this period, the ratio of AIANs committed to prison by U.S. district courts to those convicted by such courts, decreased. In FY 2012, 79 AIANs were committed to prison by U.S. district courts for every 100 convicted in U.S. district courts. In FY 2016, that number decreased to 72 committed for every 100 convicted.

The number of AIANs exiting federal prison increased 9% over four years, from 1,683 in FY 2012 to 1,839 in FY 2016. The ratio of AIANs released from federal prison to those admitted gradually increased from FY 2012 to FY 2016. In FY 2012, 97 AIANs were released from prison

TABLE 4
American Indians and Alaska Natives in the federal justice system, FY 2012 – FY 2016

	2012	2013	2014	2015	2016
Arrests	2,482	2,882	2,648	2,943	3,189
Convictions ^a	1,355	1,429	1,417	1,367	1,357
Prison admissions, total	1,735	1,740	1,715	1,615	1,790
U.S. district court commitments	1,074	1,087	1,071	935	975
Other commitments ^b	660	649	640	680	815
Prison releases	1,683	1,737	1,763	1,753	1,839
Conviction-to-arrest ratio	0.55	0.50	0.54	0.46	0.43
U.S. district court commitment-to-conviction ratio ^a	0.79	0.76	0.76	0.68	0.72
Prison-release-to-prison-admission ratio ^c	0.97	1.00	1.03	1.09	1.03

^aBased on persons convicted in U.S. district courts only.

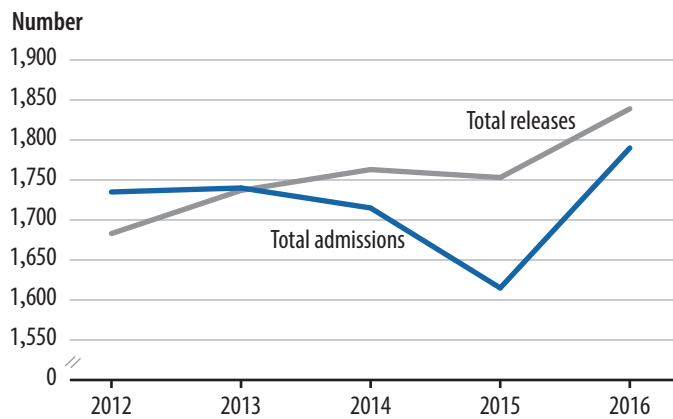
^bIncludes persons admitted to prison for violations of community supervision.

^cBased on all prison admissions.

Source: Bureau of Justice Statistics, Federal Criminal Case Processing Statistics, fiscal years 2012–2016.

for every 100 admitted. In FY 2016, 103 were released for every 100 admitted. From FY 2014 to FY 2016, the number of AIANs exiting federal prison exceeded the number admitted (figure 1).

FIGURE 1
American Indians and Alaska Natives admitted to and released from federal prison, FY 2012 – FY 2016



Source: Bureau of Justice Statistics, Federal Criminal Case Processing Statistics, fiscal years 2012–2016.

BJS Indian Country Statistics webpage

The BJS Indian Country Statistics webpage presents information on BJS’s tribal data collections.⁶ It provides links to the latest information on victimization, law enforcement, courts, corrections, and criminal justice data-improvement funding. This page includes tables on violent and property offenses known to tribal law enforcement by state from 2008 to 2015, based on data from the FBI’s Uniform Crime Reporting program.

Previously released reports

Visit the BJS website for previously published reports in the following series:

- Tribal Crime Data-Collection Activities
- Jails in Indian Country
- Tribal Law Enforcement
- American Indians and Crime

⁶See <https://www.bjs.gov/index.cfm?ty=tp&tid=200000>.



The Bureau of Justice Statistics of the U.S. Department of Justice is the principal federal agency responsible for measuring crime, criminal victimization, criminal offenders, victims of crime, correlates of crime, and the operation of criminal and civil justice systems at the federal, state, tribal, and local levels. BJS collects, analyzes, and disseminates reliable statistics on crime and justice systems in the United States, supports improvements to state and local criminal justice information systems, and participates with national and international organizations to develop and recommend national standards for justice statistics. Jeffrey H. Anderson is the director.

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